



PLANNING COMMISSION AGENDA SYNOPSIS

Wednesday, January 28, 2004

7:30 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

*5:00 PM STUDY SESSION POSTPONED TO
February 4, 2004*

Review of the Economic Development Strategy/ Fiscal Impact Study
Room 400, City Hall

801 North First Street
San Jose, California

Jay James, Chair
Bob Levy, Vice-Chair

Xavier Campos Bob Dhillon
Christopher Platten
John G. Zamora James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Jay James** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **January 28, 2004**. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

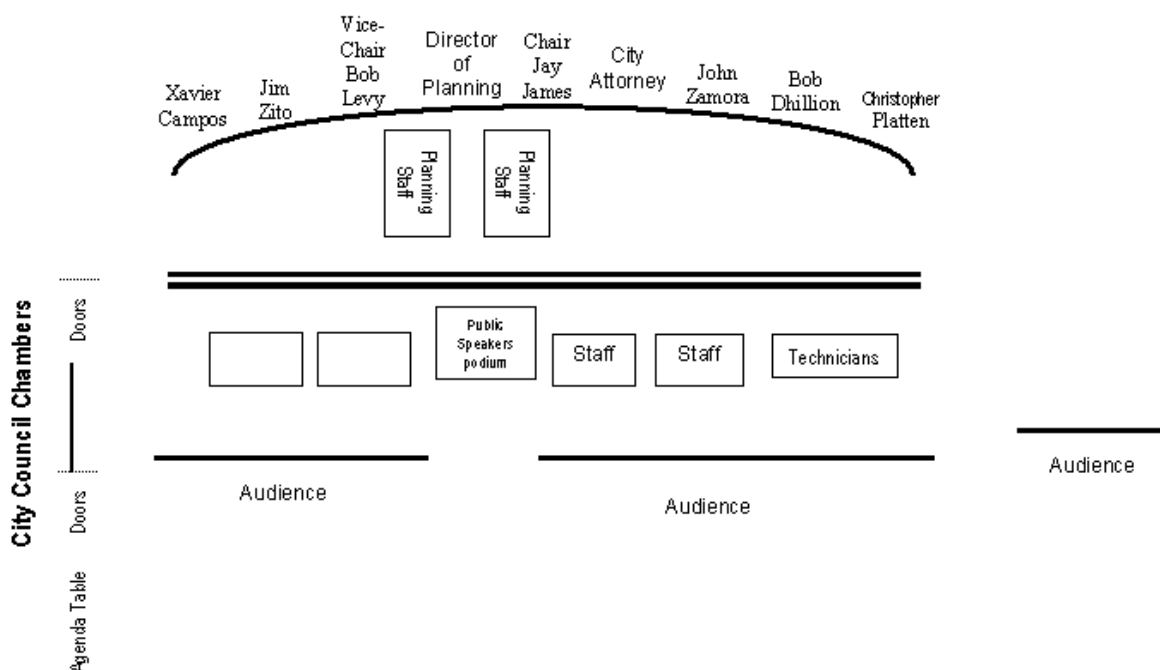
- ? After the staff report, applicants and appellants may make a 5-minute presentation.
- ? The chair will call out names on the submitted speaker cards in the order received.
- ? As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- ? After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- ? Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ? The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda changes, please contact Linda LaCount (linda.lacount@sanjoseca.gov).

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.ci.san-jose.ca.us/planning/sjplan/Hearings/hearings2003.htm>. Staff reports, etc. are also available online. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT, EXCEPT ZITO.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. CP03-064. CONDITIONAL USE PERMIT to allow a height extension of an existing wireless communications monopole from 40 feet to 50 feet, installation of three (3) new antenna panels and a 160 square-foot equipment enclosure located at an existing church site on a 1.75 gross acre site in the R-1-5 Single-Family Residence Zoning District, located on north side of Yerba Buena Road, approximately 1800 feet easterly of San Felipe Road (2995 YERBA BUENA RD) (Central California Conference Association/Seventh Day Adventist, Owner; Metro PCS Inc., Developer). Council District 8. SNI: None. CEQA: Re-use of Negative Declaration.

APPROVED (6-0-1; ZITO ABSENT).

- b. CP03-026. CONDITIONAL USE PERMIT to construct 15,238 square foot building for church uses on a 1.7 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the west side of Jackson Avenue, approximately 150 feet southerly of Berkeley Way (2249 DOBERN AV) (Epenesa Fou Church Of San Jose, Developer/Owner). Council District 5. SNI: Mayfair. CEQA: Negative declaration and addenda thereto.

DEFERRED TO 2-11-04.

- c. CP03-004. CONDITIONAL USE PERMIT request to construct a 12,198 square foot building for an existing church use on a 2.13 gross acre site in the R-1-8 Single-Family Residence Zoning District located on the east side of Capitol Expressway

approximately 600 feet northerly of Story Road (920 S CAPITOL AV) (Templo Juan 3:16, Inc., Developer/ Ruby Hill Llc, Owner). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt.

APPROVED (6-0-1; ZITO ABSENT).

- d. CP03-042. WIRELESS - CONDITIONAL USE PERMIT to allow a 10-foot extension to an existing 50-foot monopole for the installation of 3 panel wireless-antennas on a 6.55 gross-acre site in the CP Pedestrian Commercial Zoning District located at/on northwest corner of Almaden Expressway and Via Valiente (6950 Almaden Expressway) (J W Delora Sanfilippo Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt. Deferred from 1-14-04.

APPROVED (6-0-1; ZITO ABSENT).

- e. RCP03-033. CONDITIONAL USE PERMIT to allow a change to the current Permit to a drinking establishment with live entertainment, pool tables, and after-midnight use till 2:00am on a 0.10-acre site in the CG Commercial General Zoning District located on the west side of South First Street at Zoe/Back Bar Nightclub (417 South First Street). (Jacek Rosicki, Owner). Council District 3. CEQA: Resolution No. 68839. Deferred from 1-14-04.

DEFERRED TO 2-25-04 (6-0-1; ZITO ABSENT). PULLED FROM CONSENT BY THE PUBLIC WITH NOISE CONCERNS. COMMISSIONER PLATTEN PROPOSED STAFF TO WORK WITH APPLICANT TO FIND WAY FOR NEIGHBORS TO CONFIRM ADHERENCE TO NOISE DECIBELS LIMIT. COMMISSIONER LEVY SUGGESTED STAFF CONSIDER TIME LIMIT ON AMPLIFIED OUTDOOR MUSIC, PERHAPS 12 MIDNIGHT AND A 5-YEAR CUP LIMIT WITH ONE YEAR COMPLIANCE REVIEW. COMMISSIONER DHILLON REQUESTED NOISE ANALYSIS FROM OTHER NIGHTCLUBS TO BE AVAILABLE FOR NEXT HEARING.

- f. PDC03-064. PLANNED DEVELOPMENT REZONING from R-M Multi-Family Residence District to A(PD) Planned Development Zoning District to allow up to three single-family detached residences on a 0.64 gross acre site located at/on the east side of Minnesota Avenue approximately 490 feet southerly of Dorothy Avenue (586 Minnesota Avenue) (Buchholz Ron, Owner). Council District 6. SNI: None. CEQA: Exempt. Deferred from 1-14-04.

RECOMMEND APPROVAL (5-1-1; LEVY OPPOSED, ZITO ABSENT). PULLED FROM CONSENT BY LEVY WITH QUESTION ABOUT SIZE OF RIPARIAN SETBACK AND RELATIVE SIZES OF TWO DUPLEX UNITS. APPLICANT AND STAFF RESPONDED THAT RIPARIAN POLICY ALLOWS 30 FEET FOR INFILL SITES, AND CLARIFIED THAT SMALLER UNIT OF DUPLEX HELPS CONTAIN PARKING ONSITE. COMMISSIONER LEVY OPPOSED PROJECT DESIGN DUE TO DESIRE FOR ADDITIONAL RIPARIAN SETBACK.

- g. CP03-061. CONDITIONAL USE PERMIT to allow operation after midnight until 3:00 am for an existing restaurant and exterior modifications to the existing structure on a 0.22 gross acre site in the CG General Commercial Zoning District located at/on

northeast corner of East Santa Clara Street and 7th Street (301 E Santa Clara Street) (Charles Huang & Lillian Z Qian, Owner/Developer). Council District 3. SNI: 13th Street. CEQA: Exempt.

APPROVED (6-0-1; ZITO ABSENT). PULLED FROM CONSENT BY THE PUBLIC WITH CONCERNS ABOUT REFUSE DISPOSAL AT OFF-SITE DUMPSTERS. APPLICANT CLARIFIED OFF-SITE TRASH IS A PACKAGE ARRANGEMENT WITH OFF-SITE PARKING. STAFF CLARIFIED WILLINGNESS TO WORK WITH APPLICANT ON TRASH AREA REFINEMENT ENCLOSURE. THE COMMISSION CONCURRED WITH PUBLIC SUPPORT FOR LATE NIGHT NON-ALCOHOLIC ESTABLISHMENT NEAR GROWING SAN JOSE STATE UNIVERSITY.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 20.100 AND CHAPTER 20.90 OF TITLE 20, the Zoning Code of the San Jose Municipal Code, to allow building additions of less than 500 square-feet with a permit adjustment and to modify the parking requirements for shopping centers over 100,000 square-feet in size. CEQA: Exempt, PP04-01-006.

RECOMMEND APPROVAL 6-0-1; ZITO ABSENT).

- b. AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 20.100 AND CHAPTER 20.50 OF TITLE 20, the Zoning Code of the San Jose Municipal Code, to streamline the Single-Family House Permitting Process and to modify the Industrial District Use Regulations to clarify regulations applicable to assembly use. CEQA: Exempt, PP04-01-005.

RECOMMEND APPROVAL 6-0-1; ZITO ABSENT).

- c. PDC03-084. PLANNED DEVELOPMENT REZONING from CP Commercial Pedestrian Zoning District, R-M Multiple Residence Zoning District, A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow demolition of three residential structures and construction of a residential care facility with 130 residential units for seniors on a 3.09 gross acre site located at/on the southwest corner of Meridian Avenue and Curci Drive (993 Meridian Avenue) (Roy Family Partnership, Irene M Romano Trustee & et al; Green Valley Corp, Owners; S.L. Start Steve Anderson, Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

RECOMMEND APPROVAL (6-0-1; ZITO ABSENT). STAFF CLARIFIED THAT ON-SITE 156 PARKING SPACES DOES NOT INCLUDE 10% REDUCTION, BUT ZONING CONDITIONS FLEXIBLE AT PLANNED DEVELOPMENT PERMIT STAGE TO REDUCE IF APPROPRIATE. IN RESPONSE TO COMMISSION CONCERN THAT ALL UNITS HAVE PRIVATE OPEN SPACE, APPLICANT CLARIFIED THAT IN ASSISTED LIVING FACILITY, NOT SAFE FOR SOME RESIDENTS TO HAVE DIRECT OUTDOOR ACCESS.

- d. PDC02-046. The project being considered is located at/on both sides of Delmas Avenue between Santa Clara and San Fernando Streets on a 7.76 net acre site to allow a mixed use project consisting of up to 325 multi-family attached residences and up to 1.04 million square feet of office/commercial/retail uses (San Jose Water Land Company, Owner; Joe Ernst, Developer). Council District 3. SNI: Delmas Park. .

? FINAL ENVIRONMENTAL IMPACT REPORT for Planned Development Rezoning to allow up to 325 multi-family attached residential-units and up to 1.04 million-square-feet of commercial/retail uses (SCH # 2002062017).

EIR CERTIFIED (6-0-1; ZITO ABSENT).

? PLANNED DEVELOPMENT REZONING from CN Commercial District, LI Light Industrial, and HI Heavy Industrial to A(PD) Planned Development District. The proposed project includes the preservation and reuse of an existing 15,000 square-foot City Landmark building. Building heights would be up to 268 feet above grade. CEQA: EIR Resolution to be adopted.

RECOMMEND APPROVAL 6-0-1; ZITO ABSENT). COMMISSIONER LEVY COMMENTED THAT PROJECT IS EXCITING AND IMPLEMENTS MULTIPLE GENERAL PLAN POLICIES, IS PEDESTRIAN ORIENTED, AND PROTECTS THE RIPARIAN CORRIDOR WHILE PROVIDING, RECREATIONAL OPPORTUNITIES. STAFF CLARIFIED WATER DISTRICT POLICIES, WHICH RESULTED IN AT-GRADE ROAD CROSSING FOR TRAIL. COMMISSIONERS PLATTEN, ZAMORA AND CAMPOS CONCURRED THAT PROJECT IS WELL-PLANNED, INTEGRATES A HISTORIC BUILDING AND WILL BETTER CONNECT WITH NEIGHBORHOOD BEYOND DIRIDON.

- e. PDC03-061. PLANNED DEVELOPMENT REZONING from CG Commercial General Zoning District to A(PD) Planned Development Zoning District to allow: A) Demolition of two existing commercial buildings (Saratoga Lanes bowling alley and Wolf Camera Center), and B) Construction of up to 79 single-family attached residential units, on a 4.5-acre site located on the west side of Saratoga Avenue approximately 150 feet southerly of Graves Avenue (J.D. Molex LLC, owner; Riding Group, developer). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration.

DEFERRED TO 2-11-04. PROTEST OF NEGATIVE DECLARATION RECEIVED.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

NO COMMENTS.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NO REPORT.

7. GOOD AND WELFARE

- a. Report from City Council

NO REPORT.

- b. Commissioners' reports from Committees:

- ? Norman Y. Mineta San Jose International Airport Curfew Monitoring Committee (Dhillon and James).

COMMISSIONER JAMES NOTED THAT AIRPORT COMMITTEE WILL FACE NEW ISSUES SINCE NEW CONSTRUCTION WILL BE HAPPENING AT AIRPORT.

- ? Coyote Valley Specific Plan (Platten)

NO TASK FORCE MEETING HELD, BUT PLAN CONSULTANTS FOR PROJECT NARROWED TO TWO.

- c. Review of synopsis.

REVIEW SYNOPSSES FOR 1-14 AND 1-28 AT 2-11-04 MEETING.

8. ADJOURNMENT

2004 PLANNING COMMISSION MEETING SCHEDULE

February 4	4:30 p.m.-6:00pm	<i>Study Session</i>	Room 400
<i>Review of the Economic Development Strategy/ Fiscal Impact Study</i>			
February 9	6:00 p.m. 7:00p.m.	General Plan Hearing	Council Chambers
February 11	6:00 p.m.	Regular Meeting	Council Chambers
February 25	6:00 p.m.	Regular Meeting	Council Chambers
March 10	6:00 p.m.	Regular Meeting	Council Chambers
March 24	6:00 p.m.	Regular Meeting	Council Chambers
April 14	4:30 p.m.	Study Session	Room 400
Review of the General Plan			
April 14	6:00 p.m.	Regular Meeting	Council Chambers
April 26	6:00 p.m.	General Plan Hearing	Council Chambers
April 28	6:00 p.m.	Regular Meeting	Council Chambers
May 12	6:00 p.m.	Regular Meeting	Council Chambers
May 26	6:00 p.m.	Regular Meeting	Council Chambers
June 9	6:00 p.m.	Regular Meeting	Council Chambers
June 23	6:00 p.m.	Regular Meeting	Council Chambers
July 14	6:00 p.m.	Regular Meeting	Council Chambers
July 26	6:00 p.m.	General Plan Hearing	Council Chambers
July 28	6:00 p.m.	Regular Meeting	Council Chambers
August 11	6:00 p.m.	Regular Meeting	Council Chambers
August 25	6:00 p.m.	Regular Meeting	Council Chambers
September 8	6:00 p.m.	Regular Meeting	Council Chambers
September 22	6:00 p.m.	Regular Meeting	Council Chambers
October 13	6:00 p.m.	Regular Meeting	Council Chambers
October 27	6:00 p.m.	Regular Meeting	Council Chambers
November 1	6:00 p.m.	General Plan Hearing	Council Chambers
November 10	6:00 p.m.	Regular Meeting	Council Chambers
November 17	6:00 p.m.	Regular Meeting	Council Chambers
December 8	6:00 p.m.	Regular Meeting	Council Chambers

STAFF RECOMMENDATIONS for PLANNING COMMISSION MEETING:
January 28, 2004 (revised 1-27-04)

1. Roll Call
2. Deferrals
3. Consent Calendar
 - a. +
 - b. Defer to 2-11-04
 - c. +
 - d. +
 - e. + with conditions
 - f. Recommend approval
 - g. + with conditions
4. Public Hearings
 - a. Recommend approval
 - b. Recommend approval
 - c. Recommend approval with conditions
 - d. 1. Certify EIR 2. Recommend approval
 - e. Defer to 2-11-04
5. Petitions and Communications
6. Referrals from City Council, Boards, Commissions or Other Agencies
7. Good and Welfare
 - a. Discuss
 - b. Commissioners' reports from Committees
 - c. Review of synopsis
8. Adjournment

Legend: + = *approval*
 - = *denial*